

**SUMMARIZED MINUTES
SCOTTSDALE CITY COUNCIL
TUESDAY, SEPTEMBER 20, 2005**



**CITY HALL KIVA
3939 N. DRINKWATER BOULEVARD
SCOTTSDALE, AZ 85251**

CALL TO ORDER

Mayor Manross called to order a Regular Meeting of the Scottsdale City Council on Tuesday, September 20, 2005 in the Kiva, City Hall, at 5:18 P.M.

ROLL CALL

Present: Mayor Mary Manross
Vice Mayor Betty Drake
Council Members Wayne Ecton, W.J. "Jim" Lane,
Robert Littlefield, Ron McCullagh, and Kevin Osterman

Also Present: City Manager Jan Dolan
Acting City Attorney Deborah Robberson
City Clerk Carolyn Jagger

PLEDGE OF ALLEGIANCE - Webelos Den 3, Pack No. 448 from Anasazi Elementary School,
Pack Leader Larry Kohler

INVOCATION - Pastor Frank Shirvinski, Chaparral Christian Church

PRESENTATIONS/INFORMATION UPDATES

- Four Firefighters were recognized for their work with FEMA after Hurricane Katrina in Mississippi: Captain Ken Mantay, Firefighter Dustin Preston, Captain Lance Parker, and Captain John Whitney.
- Recognition of recipients of recent Valley Forward Awards: McDowell Sonoran Conservancy received the 2005 President's Award; Scottsdale's Revitalization Program received an Award of Merit; and the LEED Gold Standard received the Crescordia Award.

NOTE IN ACCORDANCE WITH PROVISIONS OF THE ARIZONA REVISED STATUTES THE SUMMARIZED MINUTES OF CITY COUNCIL MEETINGS ARE NOT VERBATIM TRANSCRIPTS. ONLY THE ACTIONS TAKEN AND DISCUSSION APPEARING WITH QUOTATION MARKS ARE VERBATIM. DIGITAL RECORDINGS OF CITY COUNCIL MEETINGS ARE ON FILE IN THE CITY CLERK'S OFFICE.

PUBLIC COMMENT

Daniel Basinger, 29503 N 107th Pl, 85262, invited citizens to attend the Green Building Expo to be held September 23 and 24, 2005 at 7380 E Second Street. He also congratulated the recent Valley Forward Award recipients.

MINUTES

SPECIAL MEETINGS	REGULAR MEETINGS	EXECUTIVE SESSIONS	
August 30, 2005	August 29, 2005	March 8, 2005	June 7, 2005
September 6, 2005	August 30, 2005	April 5, 2005	June 14, 2005
	September 6, 2005	April 19, 2005	June 21, 2005
		April 26, 2005	June 28, 2005
		May 3, 2005	July 5, 2005
		May 10, 2005	July 6, 2005

MOTION AND VOTE - MINUTES

COUNCILMAN OSTERMAN MOVED FOR APPROVAL OF THE SPECIAL, REGULAR, AND EXECUTIVE SESSION MINUTES AS LISTED ABOVE. COUNCILMAN ECTON SECONDED THE MOTION, WHICH CARRIED 7-0.

CONSENT AGENDA ITEMS 1 - 11

Vice Mayor Drake stated she would abstain from voting on Items 10 and 11 in order to avoid the appearance of a potential conflict of interest.

Mayor Manross noted the grant amount in Item 8 should be \$85,606 rather than \$64,200.

- 1. Jalapenos Mexican Café Permanent Extension of Premises**
Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises to expand into an adjacent suite and add a patio.
Location: 23587 N. Scottsdale Road
Reference: 38-EX-2005
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov
- 2. Barcelona Permanent Extension of Premises**
Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises to add a patio and additional dining area.
Location: 15440 N. Greenway-Hayden Loop
Reference: 39-EX-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

3. Tango Grill (Restaurant) Liquor License

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license.

Location: 10999 N. Frank Lloyd Wright Boulevard

Reference: 44-LL-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

4. DC Ranch Parcel T4 Final Plat

Request: Consider Final Plat approval for 23 residential lots on a 26.3-acre parcel.

Location: Horseshoe Canyon Drive and East Thompson Peak Parkway

Reference: 27-PP-2004#2

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

5. Cateraz LLC Café and Catering Conditional Use Permits

Request: Consider conditional use permits for a restaurant and for food processing and preparation (catering business) in an existing building located at 7625 E. Redfield Road with Industrial Park (I-1) zoning.

Location: 7625 E. Redfield Road

Reference: 11-UP-2005 and 12-UP-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

6. Miller Townhomes Amended Site Plan and Stipulations

Requests:

1. Amend the site plan and stipulations from Case 1-ZN-1999 on a portion (30,000 +/- square feet) of the total 5.27 +/- acre parcel located at 1501 N. Miller Road with Multiple Family District (R-5) zoning.
2. Adopt Ordinance No. 3638 affirming the above site plan and stipulations.

Location: 1501 N. Miller Road

Reference: 1-ZN-1999#2

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

7. Grant Funding for Full-Service Crime Laboratory Improvements

Request: Adopt Resolution No. 6722 authorizing the Police Department to accept the Arizona Criminal Justice Commission Full-Service Forensic Crime Laboratory Grant Program one-year grant in the amount of \$100,000. The grant will allow the Police Department to provide training and equipment necessary to enhance the Crime

Laboratory's ability to perform crime scene reconstruction and also provide the funds to purchase a gas chromatograph/mass spectrometer needed to expand the lab's ability to perform toxicological analysis of drugs in blood samples. The grant was anticipated and included in the approved FY 05/06 Budget. There are no City cost-sharing requirements.

Staff Contact(s): Alan Rodbell, Chief of Police, 480-312-5310,
arodbell@scottsdaleaz.gov

8. Accept the Motor Carrier Safety Assistance Program Grant Requests:

1. Adopt Resolution No. 6728 authorizing the Police Department to accept the Motor Carrier Safety Assistance Program grant from the Arizona Department of Transportation for \$64,200. The Department of Public Safety has been designated as the Lead Agency. The grant will allow the Police Department to purchase a vehicle, computer equipment and other enforcement tools to use for commercial vehicle inspections.
2. Approve the budget transfer of \$64,200 from the Grants Future Budget to the assigned Grant Center. The grant was anticipated and included in the adopted FY 05/06 Future Grants budget. There are no City cost-sharing requirements.

Staff Contact(s): Alan Rodbell, Chief of Police, 480-312-5310,
arodbell@scottsdaleaz.gov

Mayor Manross noted the grant amount should be \$85,606.

9. Modification of Assessments for the Bell II Improvement District

Request: Adopt Resolution No. 6730 which will modify improvement district assessment numbers 000.0011 and 012 for water lines, sewer lines and street improvements within the Bell II Improvement District, Series No. 106.

Related Policies, References:

- Council adopted Resolution No. 5751 declaring the intention to form the improvement district on February 4, 2001.
- Council adopted Resolution No. 5832 ordering work to begin within the district on June 5, 2001.
- Council adopted Resolution No. 5961 approving the Assessment Diagram and ordering the Sale of Not to Exceed \$7.9 Million in Improvement District (ID) Bonds on November 5, 2001.
- Council adopted Resolution No. 6262 approving final assessments on April 1, 2003.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555,
adreska@scottsdaleaz.gov

MOTION AND VOTE – CONSENT AGENDA ITEMS 1-9

COUNCILMAN OSTERMAN MOVED FOR APPROVAL OF CONSENT AGENDA ITEMS 1 THROUGH 9, WITH AMENDMENT TO ITEM 8 AND FINDING THAT ITEM 6* MEETS THE USE PERMIT CRITERIA. COUNCILMAN LITTLEFIELD SECONDED THE MOTION, WHICH CARRIED 7-0.

*City Clerk Note: Actual item number for the Use Permit Criteria Finding is Item No. 5.

VICE MAYOR DRAKE LEFT THE DAIS DURING VOTING ON ITEMS 10 AND 11:

10. Authorize Lease for Development of a Fiesta Bowl Museum at the Waterfront

Request: Adopt Resolution No. 6721 authorizing City of Scottsdale Contract No. 2005-143-COS, a lease agreement with the Arizona Sports Foundation (dba the Tostitos Fiesta Bowl) for 4,000 square feet of City space at the Scottsdale Waterfront project for the development of a Fiesta Bowl museum adjacent to the new Fiesta Bowl headquarters space.

Related Policies, References:

- Scottsdale Waterfront Development Agreement (10/07/03)
- Economic Vitality Strategic Plan

Staff Contact(s): David Roderique, Economic Vitality General Manager, 480-312-7601, droderique@scottsdaleaz.gov

11. Formation of the Scottsdale Waterfront Commercial Community Facilities District
Requests:

1. Adopt Resolution No. 6724 ordering and declaring formation of the Scottsdale Waterfront Commercial Community Facilities District.
2. Authorize the District Development, Financing Participation, and Intergovernmental Agreement No. 2005-148-COS.
3. Authorize the Community Facilities District to participate in the self-insurance liability program of the City.
4. Adopt Resolution No. 6734 authorizing an amendment to Development Agreement No. 2003-164-COS.

Related Policies, References: Resolution No. 6674, dated May 17, 2005, Adopted Financial (Debt) Policies and the City's Procedural Guidelines for Community Facility Districts. Arizona Revised Statutes 48-708.

Staff Contact(s): Alex McLaren, Construction and Design Director, 480-312-7099, amclaren@scottsdaleaz.gov; Lee Guillory, Finance Manager, 480-312-7084, lguillory@scottsdaleaz.gov

MOTION AND VOTE – CONSENT AGENDA ITEMS 10 AND 11

COUNCILMAN ECTON MOVED FOR APPROVAL OF ITEMS 10 AND 11. COUNCILMAN OSTERMAN SECONDED THE MOTION, WHICH CARRIED 6-0, WITH VICE MAYOR DRAKE ABSTAINING.

REGULAR AGENDA **ITEMS 12 - 15**

12. Scenic Corridor Signage Text Amendment

Requests:

1. Consider a text amendment to the City of Scottsdale Zoning Ordinance (Ordinance No. 455) to amend Article VIII. Sign Requirements to allow smaller signs to be located near the street, to prevent the installation of taller signs currently allowed, and to make sign character and quality a consideration for the Development Review Board.
2. Adopt Ordinance No. 3641 affirming the text amendment.

Location: Citywide

Reference: 7-TA-2004

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

Staff compared existing signage rules to the proposed rules, and presented photos showing examples of signs to be allowed in scenic corridors. The main topics were:

- Sign heights would be limited to five feet, or seven feet for a development of 150,000 square feet or more and a setback of 150 feet or more.
- Embellishment for signs was defined by staff as architectural features added to the sign to make it look more natural.
- The amendment also pertain to signs located on a non-scenic corridor roadway of a property with scenic corridor frontage.

Applicant presentation:

- Agree with staff's proposal except for the two-foot height difference recommended by the Planning Commission. The applicant believes the additional two feet is critical for businesses set back far from the street.
- Safeway's business increased by 22% after a mock eight-foot sign was placed in the corridor.
- Only the Safeway center and "The Summit" would be able to have able to have seven-foot signs.
- The applicant believes a seven-foot sign was needed for purposes of safety and fairness, and that Safeway should be allowed to have such a sign.
- A language change was suggested for the text amendment. Under Definition for Scenic Corridor Monument Sign, add "or on a non-scenic corridor roadway of a property with scenic corridor frontage."
- A language change was suggested for the ordinance. After "Whereas, the Council...wishes to allow certain limited signage for large commercial centers," add "and other specified uses," to reflect what is in the proposed amendment.
- The language in the text amendment did not specify that the 150-foot setback would be scenic corridor or NAOS; however, the applicant would accept the correction since that is the intent.

Mayor Manross opened public testimony:

Bob Vairo, representing Coalition of Pinnacle Peak (CPP), 10040 E Happy Valley Rd, #451, 85255, said the text amendment would protect the scenic corridor by allowing only one type of sign, a Scenic Corridor Monument Sign, and CPP supported a five-foot maximum height. Two feet of embellishment on each side would make the sign more aesthetically pleasing. The CPP also agreed with the language including signs on non-scenic corridor streets for a parcel with scenic corridor frontage. He clarified that the base of a sign should be a minimum of one foot, but could be higher to allow for artistic presentation.

Christy Myers, representing Arizona Sign Association, 2575 E Camelback, 85016, expressed regret that the association was not part of the discussions for the proposed text amendments.

The organization was not in opposition to the text amendments, but was concerned about extending the restrictions to the non-scenic corridors, feeling businesses would be hampered.

Mayor Manross closed public testimony. One additional comment card was received from a citizen in opposition to this case, but not wishing to speak.

Council discussion:

- It was clarified that businesses on a non-scenic corridor that was not part of property fronting a scenic corridor, would not be restricted by the text amendment.
- Under Design Criteria, internally illuminated letters on signs were indicated, but it was felt that 'halo' signs were better suited to the desert.
- Staff clarified the intent of the Design Guidelines, and said the flexibility of the wording would leave room for the Development Review Board to make recommendations.
- Confusion was expressed regarding the applicant's proposed language changes. The Acting City Attorney said she preferred to review the language before giving an opinion.
- Council expressed reservations about adopting an ordinance for a specific site.
- Council members felt 'embellishments' was a vague word and needed to be further clarified.
- Council was generally in favor of the five-foot height, but would consider seven feet if the sign was placed farther back.
- Council decided a continuance was in order and requested that the decision points be made clear by creating two options, Option A and Option B, with specific details associated with each.

MOTION AND VOTE – ITEM 12

COUNCILMAN LITTLEFIELD MOVED TO CONTINUE THIS ITEM, CASE 7-TA-2004 AND ORDINANCE 3641, FOR TWO WEEKS. VICE MAYOR DRAKE SECONDED THE MOTION, WHICH CARRIED 6-1, WITH COUNCILMAN MCCULLAGH DISSENTING.

13. Scottsdale and Lone Mountain Site Plan and Stipulation Amendments

Requests:

1. Approve site plan and stipulation amendments from previous County/City approval on a 14.7 +/- acre parcel located at the southeast corner of Scottsdale and Lone Mountain roads with Planned Community Center, Environmentally Sensitive Lands, Hillside District (PCC ESL HD) zoning.
2. Adopt Ordinance No. 3640 affirming the site plan and stipulation amendments.

Location: Southeast corner of Scottsdale and Lone Mountain roads.

Reference: 23-ZN-2004

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

Vice Mayor Drake left the dais during discussion of Item 13 to avoid the appearance of a potential conflict of interest.

Staff reviewed the changes between the previously-approved 1984 site plan and the 2005 proposed site plan, and outlined changes made by the Planning Commission.

The applicant pointed out enhancements made after listening to the concerns of neighbors, including architecture of the back of the building, and the review of speed limits on Scottsdale Road. This property was 'grandfathered' in regard to the requirement for fifteen acres for a commercial shopping center.

Mayor Manross opened public testimony:

Carol Sotnick, President of Bellasera Board of Directors, 7403 E Brisa Dr, 85262, expressed support of the site plan with the inclusion of one additional stipulation already agreed to by the Pederson Group. The Pederson Group has agreed to provide additional screening and landscaping on HOA property at their expense.

Edward Burch, 7347 E Brisa Dr, 85262, stated his group, Most Impacted Neighbors, would withdraw opposition to the case with the additional stipulation mentioned by Ms. Sotnick.

Karen Husted, 7370 E Brisa Dr, 85262, expressed gratitude for the compromises worked out with the developer, and greatly appreciated the architecture for the back of the proposed building.

Crawford Love, on Board of Directors of Bellasera, believed this was a reasonable and acceptable compromise from the Pederson Group, and hoped they would stand behind their commitment. He expressed thanks for the speed limit study, and encouraged the Council to approve this case.

Mayor Manross closed public testimony. Three additional comment cards were received from citizens in favor of the item, but not wishing to speak.

Applicant clarifications:

- It was suggested that Item 4 in the Stipulations (Attachment 6 to the Council Action Report) include an Item 'J' to pay particular attention to landscaping and berming opportunities to further shield and provide buffering and mitigation of height, recognizing unresolved issues of NAOS.
- The applicant requested that Council direct staff to work with neighbors and the Pederson Group to address the open space issue, to be creative within the boundaries of the ordinance, and to allow a compromise that considers the neighbors' wishes.

MOTION AND VOTE – ITEM 13

COUNCILMAN MCCULLAGH MOVED FOR APPROVAL OF ITEM 13, CASE 23-ZN-2004, WITH ADDITIONAL STIPULATIONS, INCLUDING ITEM 'J' AND STIPULATION NUMBER 7 REGARDING ADDITIONAL SCREENING AT DEVELOPER'S EXPENSE. COUNCILMAN LITTLEFIELD SECONDED THE MOTION, WHICH CARRIED 6-0, WITH VICE MAYOR DRAKE ABSTAINING.

14. 68th Street and Camelback Road Rezoning

Requests:

1. Rezone from Multiple Family Residential District, Downtown Overlay (R-5 DO) to Downtown Regional Commercial Office/Type 2 Intermediate Development, Planned Block Development, Downtown Overlay (D/RCO-2 PBD DO) on a 89,279 +/- square foot parcel at the northeast corner of 68th Street and Camelback Road.
2. Adopt Ordinance No. 3632 affirming the above rezoning.

Location: 6808 E. Camelback Road

Reference: 10-ZN-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

Staff presentation:

- The request was to rezone to Downtown Regional Commercial Office and to approve a Site Plan.
- Staff supported the rezoning, but found the proposal inconsistent with the Downtown Design Guideline Goals 2, 3, 4, and 7.
- The Planning Commission recommended approval of the zoning request and site plan, as submitted.

The applicant stated the following:

- An intense, high-scale development on this corner would preclude any future probability for incorporation into Fashion Square.
- Adhering to the Design Guidelines would not allow these buildings to co-exist with neighborhood wishes. There should not be a rigid application of standards.
- This development is lower scale and provides transition to larger downtown development.
- Wide pedestrian connections, canopies, and courtyards provide a downtown feel, and encourage neighbors to gather.
- Downtown needs neighborhood services and small shops. The proposed uses are recommended by the neighbors.

Mayor Manross opened public testimony:

Pat French, President of Villa Adrian Homeowners' Association, 4334 N 70th St, 85251, expressed support for this smaller type of development.

Robert Bullington, 3409 E Claremont, Paradise Valley, 85253, a trustee of the property, discussed issues related to restrictions of the Trust, technicalities of the Downtown Guidelines, compromises they have made, and marketing of shops in the development.

David Slaughter, 2720 E Camelback Rd, Phoenix, said his firm will be marketing the property as an upscale project, and prospective tenants have liked the plan.

Mayor Manross closed public testimony. Two additional comment cards were received from citizens not wishing to speak: One in favor, and one in opposition.

Council discussion:

- Staff acted with due diligence and analyzed the proposal thoroughly, however the Council considered this a unique property.
- Council expressed the need for a neighborhood-oriented commercial development, and believes the project would provide a good transition between neighborhoods and downtown development.
- The parcel should not be considered part of downtown nor be in the downtown overlay.
- Approval of the project should not set a precedent to change zoning or site plans based on economic deals made by developers.

MOTION AND VOTE – ITEM 14

COUNCILMAN LITTLEFIELD MOVED FOR APPROVAL OF ITEM 14, CASE 10-ZN-2005, WITH REVISED STIPULATIONS NUMBER 6 REGARDING PUBLIC ART, AND 1B REGARDING DRAINAGE. VICE MAYOR DRAKE SECONDED THE MOTION, WHICH CARRIED 7-0.

15. Western Museum Feasibility Study

Request: Consider a funding allocation from the Community Arts Trust #280 01891 for a study that will assess the feasibility of a locally developed western museum. The City's participation, which would represent half of the total project cost, will not exceed \$60,000 and will be allocated as follows: \$50,000 for a consultant agreement and \$10,000 to offset administrative costs incurred by the Scottsdale Cultural Council. There will be no impact to the General Fund.

Related Policies, References: Resolution No. 6027 and Redevelopment Agreement 2002-024-COS between the Loloma Arts District Group L.L.C. and the City of Scottsdale.

Staff Contact(s): Jan Dolan, City Manager, 480-312-2422, jdolan@scottsdaleaz.gov; John Little, Downtown Group Executive Director, 480-312-2539, jlittle@scottsdaleaz.gov

City Manager Jan Dolan reviewed background information for the item.

Ned O'Hearn, Scottsdale Western Museum Citizens Committee, 8926 E Carol Way, 85260, explained the pursuit to raise funds for this project. The committee is now requesting professional help in defining the mission, identifying potential partners, determining how much can be raised through public and private participation, and to find out if the project is feasible. Mr. O'Hearn explained that the \$10,000 management fee is due to the tremendous amount of extra work and demands the committee has placed upon the Cultural Council.

Council discussion:

- The majority of the Council agreed the study was a proper and worthy effort, and a logical step to take.

- Councilman Littlefield did not support the funding process, and believes that the Cultural Council should be funding the study without City participation, since that is part of their contract with the City.
- Councilmembers saw a need to study the contract with the Cultural Council to determine exactly what it covered. It was acknowledged the scope and focus of the contract has changed over the years, and this will be discussed in an upcoming study session.

MOTION AND VOTE – ITEM 15

COUNCILMAN OSTERMAN MOVED FOR APPROVAL OF ITEM 15, THE WESTERN MUSEUM FEASIBILITY STUDY AS PRESENTED. COUNCILMAN ECTON SECONDED THE MOTION.

COUNCILMAN LITTLEFIELD MOVED TO AMEND THE MOTION TO REMOVE THE \$10,000 FEE FOR ADMINISTRATIVE COSTS. COUNCILMAN MCCULLAGH SECONDED THE AMENDMENT, WHICH FAILED 3-4 WITH MAYOR MANROSS, VICE MAYOR DRAKE, AND COUNCILMEN ECTON AND OSTERMAN DISSENTING.

THE MOTION FOR APPROVAL OF ITEM 15, CARRIED 6-1 WITH COUNCILMAN LITTLEFIELD DISSENTING.

MAYOR AND COUNCIL AGENDA ITEMS 16 - 18

16. Citizen Petition Requesting a Barricade on Hayden Road Between Indian School and Osborn Roads

Request: Consideration of a citizen petition, as provided for by City Charter, requesting installation of a barricade along the east side of Hayden Road between Indian School and Osborn roads.

This petition was provided to Council at the August 29, 2005 City Council meeting. The petition states: We, the undersigned, are demanding that the City of Scottsdale install a barricade along the east side of Hayden Road between Indian School and Osborn to prevent automobiles from ramming into homes causing any further injury to local residents.

Related Policies, References: City Charter, Article 2, Section 16 states: Consideration of petitions. Any citizen of the City may appear before the Council at any regular meeting and present a written petition; such petition shall be acted upon by the Council, in the regular course of business, within thirty (30) days.

Staff Contact(s): Mary O'Connor, Transportation General Manager, 480-312-2334, moconnor@scottsdaleaz.gov

Staff summarized the citizens' concerns and alternative barrier options considered at a neighborhood meeting. Staff recommended constructing a cable barrier as an interim solution, working with the neighbors to add temporary landscaping, and constructing the final improvement as part of the Indian School Road project during the summer of 2006.

Mayor Manross opened public testimony:

Francine Randall, 3614 N 80th Pl, 85251, stated her neighborhood had no choice but to agree with the cable barrier temporary solution, but for the final solution, they preferred a wall such as the one at Indian Bend and Hayden roads. In addition, she said neither a transit stop nor a one-way street had been agreed upon. She requested a copy of the study.

Mayor Manross closed public testimony.

MOTION AND VOTE – ITEM 16

VICE MAYOR DRAKE MOVED TO CONSTRUCT A CABLE BARRIER AS A TEMPORARY SOLUTION PER STAFF RECOMMENDATION. COUNCILMAN ECTON SECONDED THE MOTION, WHICH CARRIED 7-0.

17. Naming the City's Public Safety Administration Building in Memory of Louis A. "Lou" Witzeman, Jr.

Request: Consider the request of Councilman Lane to approve Resolution No. 6732 naming the City of Scottsdale's new public safety administration building the "Witzeman Public Safety Building" in memory of Louis A. "Lou" Witzeman, Jr. (1924–2004), a Scottsdale community leader and business owner responsible for providing leadership for Scottsdale's fire protection services from the City's incorporation in 1951 until his retirement in 1981.

Related Policies, References: Resolutions Nos. 6600 and 6603, dated January 11, 2005, allowing the City to acquire the public safety administration building and property.

Staff Contact(s): Brent Stockwell, Assistant to the Mayor and City Council, 480-312-7288, bstockwell@scottsdaleaz.gov

Councilman Lane reviewed Mr. Witzeman's many accomplishments throughout the City's history. Councilmembers agreed naming this building after him was a perfect way to memorialize Mr. Witzeman, who was a public safety icon in Scottsdale's history.

MOTION AND VOTE – ITEM 17

COUNCILMAN LANE MOVED TO APPROVE RESOLUTION 6732. COUNCILMAN OSTERMAN SECONDED THE MOTION, WHICH CARRIED 7-0.

18. Research and Analysis of Ethics Initiatives

Request: Review research information and provide Council direction regarding the development of an ethics policy.

Related Policies, References:

- April 5, 2005 Summarized Minutes Scottsdale City Council Meeting - Citizen Petition to Scottsdale City Council to adopt an official ethics policy substantially similar to the Town of Paradise Valley, Arizona.
- May 3, 2005 City Council Report – Citizen Petition regarding Ethics Policy

Staff Contact(s): Neal Shearer, Assistant City Manager, 480-312-2604, nshearer@scottsdaleaz.gov; Teri Traaen, Human Resources General Manager, 480-312-2615, ttraaen@scottsdaleaz.gov

Teri Traaen, Human Resources General Manager, reviewed ethics research data outlined as follows:

- Background
- Why municipal organizations have focused on ethics
- Existing ethics statutes and policies in City of Scottsdale
- Ethics initiatives/programs for other governmental agencies
- Comparative approaches
- Topics covered in ethics policies
- Summaries of ethics programs in other Valley cities
- Content samples of policies from five cities

MOTION – ITEM 18

COUNCILMAN OSTERMAN MOVED TO APPOINT A CITIZEN'S CODE OF ETHICS TASK FORCE TO AID THE COUNCIL IN CREATING AN EFFECTIVE AND COMPREHENSIVE CODE OF ETHICS FOR THE CITY OF SCOTTSDALE. EACH COUNCILMEMBER SHALL BE EMPOWERED TO APPOINT ONE MEMBER OF THE TASK FORCE, WITH THE MAYOR APPOINTING ONE OF THE MEMBERS AND ASSIGNING THE CHAIR. THE TASK FORCE APPOINTMENTS ARE TO BE MADE AT THE NEXT SCHEDULED COUNCIL MEETING. COUNCILMAN ECTON SECONDED THE MOTION.

Council discussion:

- The task force members should have some background knowledge, and be willing to study state and city regulations.
- The policy should meet expectations of the citizens and provide a balance that does not dilute the intention or make it impossible for intelligent and outstanding citizens to serve on the City Council or a City board or commission.

COUNCILMAN LITTLEFIELD MOVED TO AMEND THE MOTION TO:

- 1) REQUIRE THE TASK FORCE TO PROVIDE A REPORT BY THE END OF JANUARY 2006, AND
- 2) ALLOW THE TASK FORCE TO CHOOSE ITS OWN CHAIRPERSON.

COUNCILMAN LANE SECONDED THE AMENDMENTS.

- Discussion was held regarding the reasoning behind giving the Mayor authority to appoint the Chairperson of the task force.

THE MOTION FOR AMENDMENT NO. 1 CARRIED 7-0.

THE MOTION FOR AMENDMENT NO. 2 FAILED 3-4 WITH MAYOR MANROSS, VICE MAYOR DRAKE, AND COUNCILMEN ECTON AND OSTERMAN DISSENTING.

Additional Council discussion:

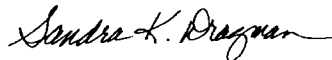
- Ideas regarding the content of the policy were discussed. It was suggested that the policy should clearly state the City's core values and expectations. It should include all applicable local and state laws, and go beyond the letter of the law to reflect additional expectations and responsibilities. Scottsdale's policy should be tailored to fit its exact needs, holding both elected and appointed officials, as well as those appointed to boards and commissions, to high standards.
- There was concern that the policy would lose its effectiveness if it is too detailed. Interest was expressed in Paradise Valley's policy which lists eight points, is concise, and focuses on character and values. The points apply to public trust and simple ethical values, they are not vision or mission statements.

THE MOTION TO APPOINT THE TASK FORCE, WITH AMENDMENT NO. 1, CARRIED 7-0.

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 9:40 P.M.

SUBMITTED BY:



Sandy Dragman
Recording Secretary

REVIEWED BY:



Carolyn Jagger
City Clerk

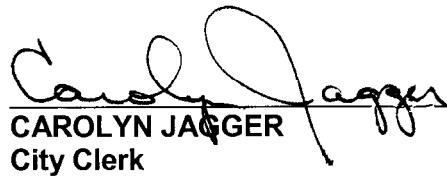
Officially approved by the City Council on October 18, 2005

CERTIFICATE

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the City Council of Scottsdale, Arizona held on the 20th day of September 2005.

I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this 18th day of October 2005.



CAROLYN JAGGER
City Clerk